

STEPHEN M. LOBBIN  
sml@smlavvocati.com  
SML AVVOCATI P.C.  
888 Prospect Street, Suite 200  
San Diego, California 92037  
(949) 636-1391 (Phone)

*Attorney(s) for Rothschild Broadcast Distribution Systems, LLC*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

**ROTHSCHILD BROADCAST  
DISTRIBUTION SYSTEMS, LLC,**

*Plaintiff,*

v.

**RHOMBUS SYSTEMS, INC.,**

*Defendant.*

**CASE NO.**

**JURY TRIAL DEMANDED**

**COMPLAINT**

Plaintiff Rothschild Broadcast Distribution Systems, LLC (“Plaintiff” or “Rothschild Broadcast Distribution Systems”) files this complaint against Rhombus Systems, Inc. (“Rhombus”) for infringement of U.S. Patent No. 8,856,221 (hereinafter the “221 Patent”) and alleges as follows:

**PARTIES**

1. Plaintiff is a Texas limited liability company with an address at 1 East Broward Boulevard, Suite 700, Ft. Lauderdale, FL 33301.

2. On information and belief, Defendant is a Delaware corporation, with a place of business at 1920 20th St, Sacramento, CA 95811. On information and belief, Defendant may be served through its agent, Garrett Larsson, at the same address, or Incorporating Services, Ltd., 3500 S Dupont Hwy, Dover, DE 19901.

**JURISDICTION AND VENUE**

3. This action arises under the patent laws of the United States, 35 U.S.C. § 271 *et seq.* Plaintiff is seeking damages, as well as attorney fees and costs.

4. Jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 (Federal Question) and 1338(a) (Patents).

5. On information and belief, this Court has personal jurisdiction over Defendant because Defendant has committed, and continues to commit, acts of infringement in this District, has conducted business in this District, and/or has engaged in continuous and systematic activities in this District.

6. Upon information and belief, Defendant's instrumentalities that are alleged herein to infringe were and continue to be used, imported, offered for sale, and/or sold in the District.

7. Venue is proper in this District under 28 U.S.C. §1400(b) because Defendant is deemed to be a resident in this District. Alternatively, acts of infringement are occurring in this District and Defendant has a regular and established place of business in this District.

**BACKGROUND**

8. On October 7, 2014, the United States Patent and Trademark Office ("USPTO") duly and legally issued the '221 Patent, entitled "System and Method for Storing Broadcast Content in a Cloud-Based Computing Environment" after the USPTO completed a full and fair examination. The '221 Patent is attached as Exhibit A.

9. Rothschild Broadcast Distribution Systems is currently the owner of the '221 Patent.

10. Rothschild Broadcast Distribution Systems possesses all rights of recovery under the '221 Patent, including the exclusive right to recover for past, present and future infringement.

11. The '221 Patent contains thirteen claims including two independent claims (claims 1 and 7) and eleven dependent claims.

**COUNT ONE**

**(Infringement of United States Patent No. 8,856,221)**

12. Plaintiff refers to and incorporates the allegations in Paragraphs 1 - 11, the same as if set forth herein.

13. This cause of action arises under the patent laws of the United States and, in particular under 35 U.S.C. §§ 271, *et seq.*

14. Defendant has knowledge of its infringement of the '221 Patent, at least as of the service of the present complaint.

15. The '221 Patent teaches a method and apparatus for media content storage and delivery. '221 Patent, Abstract. Among other things, the claimed system includes a server, which has a receiver in communication with a processor. *Id.* The receiver receives a request message. *Id.* The request message includes media data indicating requested media content and a consumer device identifier corresponding to a consumer device. *Id.* The processor determines whether the consumer device identifier corresponds to a registered consumer device. *Id.* If the processor determines that the consumer device identifier corresponds to the registered consumer device, then the processor determines whether the request message is one of a storage request message and a content request message. *Id.* If the request message is the storage request message, then the processor is further configured to determine whether the requested media content is available for storage. *Id.* If the request message is the content request message, then the processor initiates delivery of the requested media content to the consumer device. *Id.*

16. The present invention solves problems that existed with then-existing media delivery systems. One problem with prior delivery systems is that the customer was charged according to the expenses of the provider rather than the usage of the customer. '221 Patent, 1:31-57. Customers were not charged based on the amount of

1 programming delivered or the amount or duration of the customer's storage of media.  
2 *Id.* Another such problem, more generally, is that customers were not billed and  
3 services were not provided, in a way that was tailored to the customer's needs and  
4 usage. *Id.*, 2:3-13.

5 17. A number of aspects of the invention(s) embodied in the '221 Patent  
6 overcome the problems with the prior art. For example, the inventive system includes  
7 a processor in communication with a receiver. *Id.*, 2:23-34. The processor determines  
8 media content characteristics that correspond to the media content to be stored. *Id.* The  
9 processor determines a length of time to store the media content based on the media  
10 data and determines a cost amount based at least in part on the determined media  
11 content characteristics and length of time to store the media content. *Id.* As another  
12 example, the system makes a determination that media content is available for  
13 download. *Id.*, 2:64-3:2. A determination is made that content is not stored. Download  
14 of the media content is initiated. *Id.* The media content is received and the received  
15 media content is stored. *Id.*

16 18. The '221 Patent is directed to computerized technologies to provide users  
17 with tailored media delivery systems and tailored billing for such systems. Among other  
18 things, the '221 Patent claims include sending and receiving of request messages  
19 indicating requested media content and including a device identifier corresponding to  
20 a consumer device. A determination is made whether the identifier corresponds to the  
21 device. A determination is also made as to whether the request is for delivery or  
22 storage. The media data in the request includes time data that indicates a length of time  
23 for storage. A processor is configured to determine whether requested media exists and  
24 whether there are any restrictions associated with delivery or storage of the requested  
25 media.

26 19. The system(s) and methods of the '221 Patent include software and  
27 hardware that do not operate in a conventional manner. For example, the software is  
28 tailored to provide functionality to perform recited steps and the processor is configured

1 (and/or programmed) to provide functionality recited throughout the claims of the ‘221  
2 Patent.

3 20. The ‘221 Patent solves problems with the art that are rooted in computer  
4 technology and that are associated with electronic transmission, loading, and storage of  
5 location information, as well as automatic provisioning of route guidance. The ‘221  
6 Patent claims do not merely recite the performance of some business practice known  
7 from the pre-Internet world along with the requirement to perform it on the Internet.

8 21. The improvements of the ‘221 Patent and the features recited in the claims  
9 in the ‘221 Patent provide improvements to conventional hardware and software  
10 systems and methods. The improvements render the claimed invention of the ‘221  
11 Patent non-generic in view of conventional components.

12 22. The improvements of the ‘221 Patent and the features recitations in the  
13 claims of the ‘221 Patent are not those that would be well-understood, routine or  
14 conventional to one of ordinary skill in the art at the time of the invention.

15 23. Accordingly, Defendant has infringed, and continues to infringe, the ‘221  
16 Patent in violation of 35 U.S.C. § 271. Upon information and belief, Defendant has  
17 infringed and continues to infringe one or more claims, including at least Claim 7, of  
18 the ‘221 Patent by making, using, importing, selling, and/or offering for media content  
19 storage and delivery systems and services covered by one or more claims of the ‘221  
20 Patent.

21 24. Defendant sells, offers to sell, and/or uses media content storage and  
22 delivery systems and services, including, without limitation, the Rhombus Systems  
23 security camera platform, any associated hardware, software and apps, as well as any  
24 similar products (“Product”), which infringe at least Claim 7 of the ‘221 Patent.

25 25. The Product practices a method of storing (e.g., cloud storage) media  
26 content (e.g., recording) and delivering requested media content (streaming video,  
27 recorded videos, etc.) to a consumer device (e.g., mobile device with app or software).  
28 Certain aspects of these elements are illustrated in the screenshots below and/or in those

provided in connection with other allegations herein.

## 2. Install the **Rhombus Systems** Mobile App

The app makes install a breeze and allows you to view and manage footage and alerts from anywhere.



Source: <https://www.rhombussystems.com/setup/>

### Video Streaming

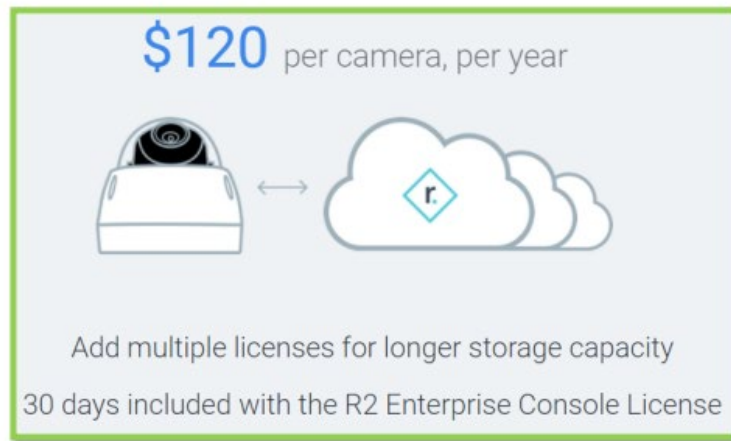
Each camera comes with an embedded micro-sd card which serves as the primary storage mechanism for all video data. When a user wants to view either live or past footage, it is streamed directly from the camera to the user's viewing device. The exact mechanics vary depending on whether the viewer and the camera are on the same LAN, but there is no configuration required to make both work seamlessly. The video player automatically detects the network.

Source: <https://support.rhombussystems.com/hc/en-us/articles/360038029191-Camera-Bandwidth#videostreaming>

## Cloud Recording & Policy Events

When Cloud Archiving is enabled on a camera, segments of locally stored footage are continuously being sent directly to our cloud storage service (Amazon S3). Once enabled, all past footage will be streamed from the cloud, regardless of WAN or LAN locality. However, viewing live footage still defaults to LAN if the viewer is on the same local network.

Source: <https://support.rhombussystems.com/hc/en-us/articles/360038029191-Camera-Bandwidth#videostreaming>

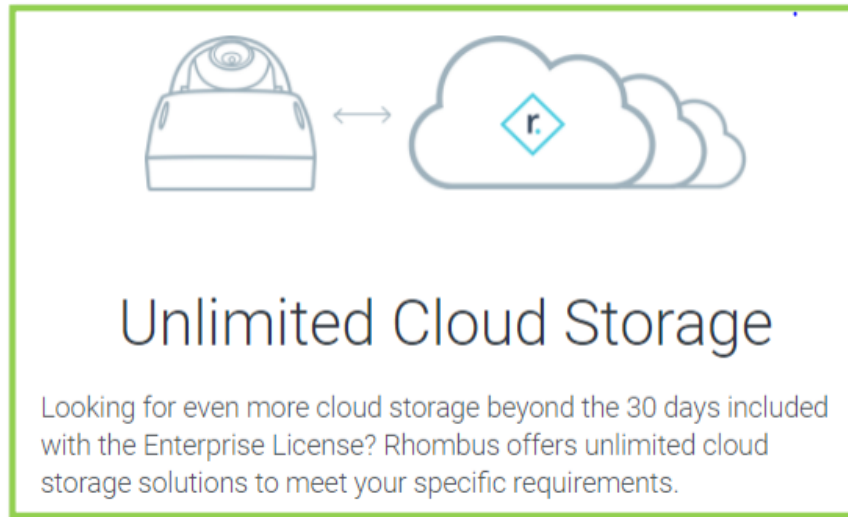


Source: <https://www.rhombussystems.com/cloud-storage/>



1 For enterprise organizations who require extended video storage, Rhombus offers simple and  
2 flexible cloud storage options to meet your compliance needs.  
3 Whether you need 30, 60, or 90+ days – Rhombus provides seamless, 24x7 cloud storage that  
4 is secure and always accessible in full video quality.

Source: <https://www.rhombussystems.com/cloud-storage/>



13 Source: <https://www.rhombussystems.com/pricing/>

14  
15 26. The Product necessarily includes a receiver configured to receive a request  
16 message including data indicating requested media content (e.g., the Product must have  
17 infrastructure to receive a request to store recorded media content or to stream recorded  
18 media content on a smartphone; additionally, the request message must contain data  
19 that identifies the content to be stored or streamed) and a consumer device identifier  
20 corresponding to a consumer device (e.g., the user credentials are used to access the  
21 contents of the Product). Certain aspects of these elements are illustrated in the  
22 screenshots below and/or in those provided in connection with other allegations herein.  
23  
24  
25  
26  
27  
28



## Video Streaming

Each camera comes with an embedded micro-sd card which serves as the primary storage mechanism for all video data. When a user wants to view either live or past footage, it is streamed directly from the camera to the user's viewing device. The exact mechanics vary depending on whether the viewer and the camera are on the same LAN, but there is no configuration required to make both work seamlessly. The video player automatically detects the network.

Source: <https://support.rhombussystems.com/hc/en-us/articles/360038029191-Camera-Bandwidth#videostreaming>

For enterprise organizations who require extended video storage, Rhombus offers simple and flexible cloud storage options to meet your compliance needs. Whether you need 30, 60, or 90+ days – Rhombus provides seamless, 24x7 cloud storage that is secure and always accessible in full video quality.

Source: <https://www.rhombussystems.com/cloud-storage/>



Source: <https://www.rhombussystems.com/pricing/>



Source: <https://console.rhombussystems.com/login/>

27. The Product necessarily determines whether the consumer device identifier corresponds to the registered consumer device (e.g., a user must be a registered user to access the Product's services). Certain aspects of these elements are illustrated in the screenshots below and/or in those provided in connection with other allegations herein.

## 2. Install the **Rhombus Systems** Mobile App

The app makes install a breeze and allows you to view and manage footage and alerts from anywhere.



Source: <https://www.rhombussystems.com/setup/>



Source: <https://console.rhombussystems.com/login/>

28. The Product provides for both media downloads and/or storage, and media streaming. After a successful login, the Product necessarily determines whether the request received from a customer is a request for storage (e.g., recording or storing content) or content (e.g., streaming of media content). Certain aspects of these elements are illustrated in the screenshots below and/or in those provided in connection with other allegations herein.



Source: <https://www.rhombussystems.com/blog/what-does-the-rhombus-subscription-cover/>

## 2. Install the **Rhombus Systems** Mobile App

The app makes install a breeze and allows you to view and manage footage and alerts from anywhere.



android



iOS

Source: <https://www.rhombussystems.com/setup/>

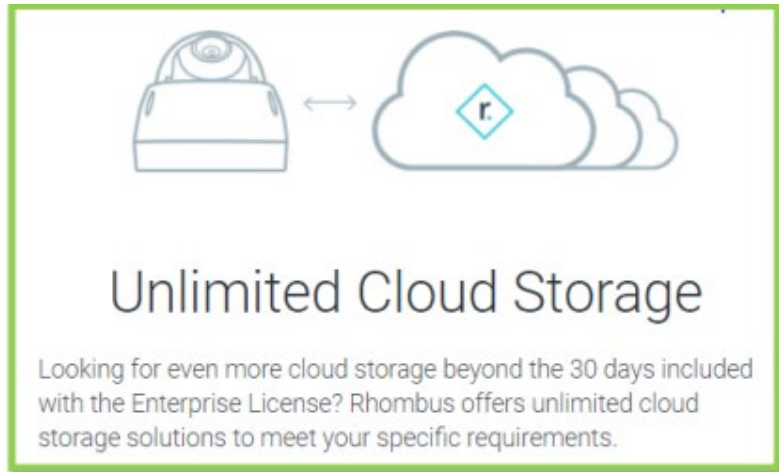
## Video Streaming

Each camera comes with an embedded micro-sd card which serves as the primary storage mechanism for all video data. When a user wants to view either live or past footage, it is streamed directly from the camera to the user's viewing device. The exact mechanics vary depending on whether the viewer and the camera are on the same LAN, but there is no configuration required to make both work seamlessly. The video player automatically detects the network.

Source: <https://support.rhombussystems.com/hc/en-us/articles/360038029191-Camera-Bandwidth#videostreaming>

For enterprise organizations who require extended video storage, Rhombus offers simple and flexible cloud storage options to meet your compliance needs. Whether you need 30, 60, or 90+ days – Rhombus provides seamless, 24x7 cloud storage that is secure and always accessible in full video quality.

Source: <https://www.rhombussystems.com/cloud-storage/>



8 Source: <https://www.rhombussystems.com/pricing/>



18 Source: <https://console.rhombussystems.com/login/>

19  
20  
21  
22  
23  
24  
25  
26  
27  
28

29. The Product verifies that media content identified in the media data of the storage request message (e.g., request to record content) is available for storage in order to prevent data errors that would result from attempting to store content that is not available for storage. The Product must verify that the media content (e.g. specific recording) identified in the media data of the storage request message is available for storage in order to prevent data errors that would result from attempting to store content that is not available for storage (e.g., the product must verify a user's ability to store media content is limited to a certain amount of memory and/or time). Certain aspects



1 of these elements are illustrated in the screenshots below and/or in those provided in connection  
2 with other allegations herein.



Source: <https://www.rhombussystems.com/blog/what-does-the-rhombus-subscription-cover/>

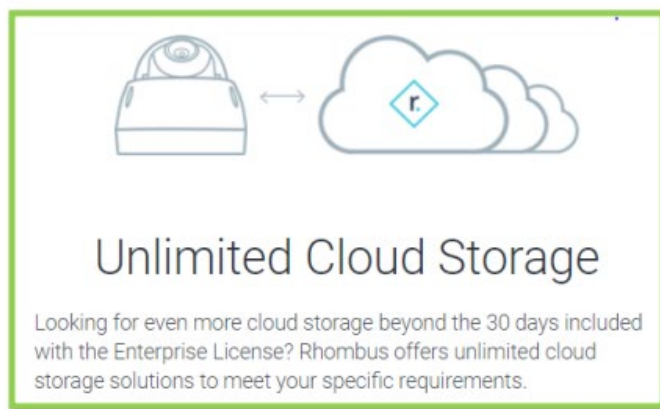
For enterprise organizations who require extended video storage, Rhombus offers simple and flexible cloud storage options to meet your compliance needs. Whether you need 30, 60, or 90+ days – Rhombus provides seamless, 24x7 cloud storage that is secure and always accessible in full video quality.

Source: <https://www.rhombussystems.com/cloud-storage/>

## Video Streaming

Each camera comes with an embedded micro-sd card which serves as the primary storage mechanism for all video data. When a user wants to view either live or past footage, it is streamed directly from the camera to the user's viewing device. The exact mechanics vary depending on whether the viewer and the camera are on the same LAN, but there is no configuration required to make both work seamlessly. The video player automatically detects the network.

Source: <https://support.rhombussystems.com/hc/en-us/articles/360038029191-Camera-Bandwidth#videostreaming>



Source: <https://www.rhombussystems.com/pricing/>

30. If a customer requests content (e.g., live streaming of media content), then a processor within the Product necessarily initiates delivery of the content to the customer's device. The Product will initiate delivery of the requested media content to the consumer device (e.g., stream media content feed to a smartphone or tablet etc.) if the request message is a content request message (e.g., request for live streaming). Certain aspects of these elements are illustrated in the screen shots below and/or in screen shots provided in connection with other allegations herein.





Source: <https://www.rhombussystems.com/blog/what-does-the-rhombus-subscription-cover/>

## 2. Install the **Rhombus Systems** Mobile App

The app makes install a breeze and allows you to view and manage footage and alerts from anywhere.



Source: <https://www.rhombussystems.com/setup/>

### **Video Streaming**

Each camera comes with an embedded micro-sd card which serves as the primary storage mechanism for all video data. When a user wants to view either live or past footage, it is streamed directly from the camera to the user's viewing device. The exact mechanics vary depending on whether the viewer and the camera are on the same LAN, but there is no configuration required to make both work seamlessly. The video player automatically detects the network.

Source: <https://support.rhombussystems.com/hc/en-us/articles/360038029191-Camera-Bandwidth#videostreaming>

31. The media data includes date and time information to identify conference start and stop times, as well as meeting length. Time data may also indicate a length of time to store the requested media content (e.g., a user is allowed to store media content for a retention period defined by a variable amount of time). Certain aspects of these

elements are illustrated in the screenshots below and/or in those provided in connection with other allegations herein.

In terms of video retention for a camera, the duration is dependent on the model of camera, amount of motion that it sees, and if Cloud Archiving is enabled for the camera. These will all affect how many days of video a camera can store.

Source: <https://support.rhombussystems.com/hc/en-us/articles/360013498011-How-long-are-video-clips-and-other-data-stored->

## The New Standard in Enterprise Security

The Rhombus R2 delivers simple and dependable, enterprise-grade security in a mini-dome form factor. Powered by a quad-core processor, the R2 features full HD recording, up to 180 days of on-camera storage, and advanced edge processing for smarter object recognition.

Built for versatility, the R2 comes standard with infrared night vision and a weatherproof design perfect for any environment.

Source: <https://www.rhombussystems.com/cameras/r2/>

R2

5 MP Dome  
5 MP | IP66 | BLE

\$1,399

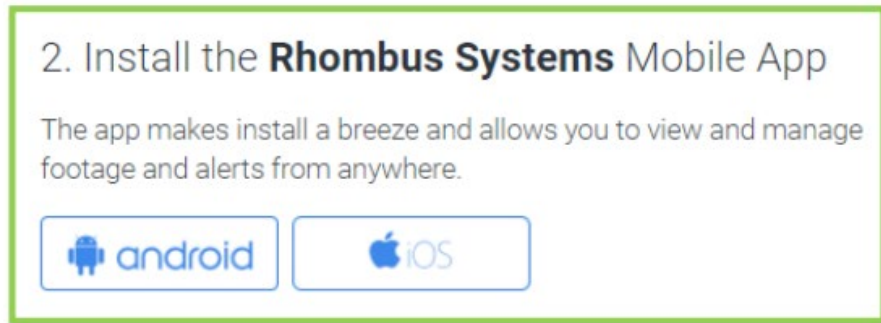
Days of footage stored on camera \*

20 40 90 180

New model, the R200, coming soon

Source: <https://www.rhombussystems.com/pricing/>

32. The Product must first determine whether the requested media content exists prior to initiating delivery in order to prevent data errors that would result from attempting to transmit media content that does not exist (e.g., the product must verify that a particular requested data is stored in the cloud). Also, a user can view the history of media content and the processor can identify the existence of that particular media content. Certain aspects of these elements are illustrated in the screenshots below and/or in those provided in connection with other allegations herein.

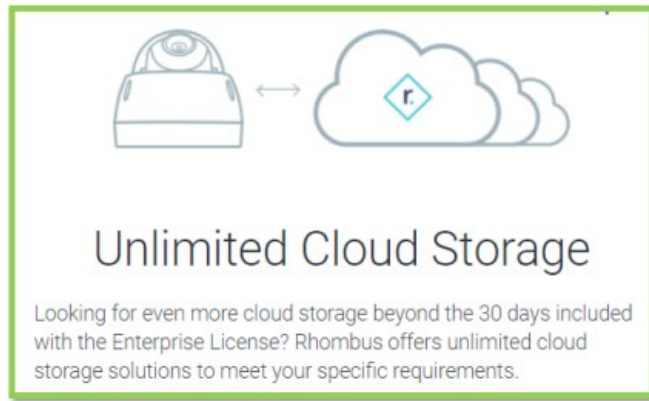


Source: <https://www.rhombussystems.com/setup/>

### Video Streaming

Each camera comes with an embedded micro-sd card which serves as the primary storage mechanism for all video data. When a user wants to view either live or past footage, it is streamed directly from the camera to the user's viewing device. The exact mechanics vary depending on whether the viewer and the camera are on the same LAN, but there is no configuration required to make both work seamlessly. The video player automatically detects the network.

Source: <https://support.rhombussystems.com/hc/en-us/articles/360038029191-Camera-Bandwidth#videostreaming>



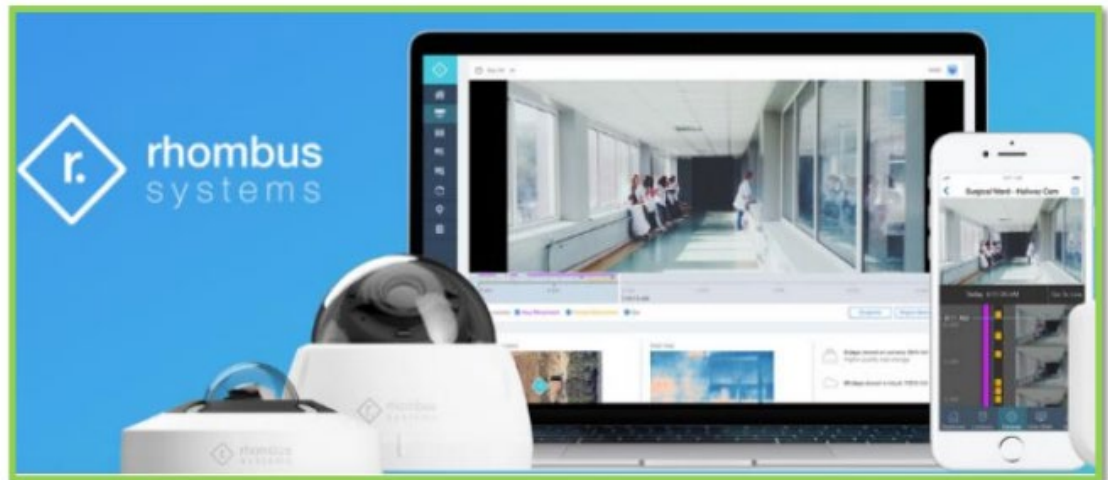
Source: <https://www.rhombussystems.com/pricing/>

In terms of video retention for a camera, the duration is dependent on the model of camera, amount of motion that it sees, and if Cloud Archiving is enabled for the camera. These will all affect how many days of video a camera can store.

Source: <https://support.rhombussystems.com/hc/en-us/articles/360013498011-How-long-are-video-clips-and-other-data-stored->

33. After the processor determines whether the requested media content is available, it determines whether there are restrictions associated with the requested media content (e.g., user access restrictions, etc.). Certain aspects of these elements are illustrated in the screenshots below and/or those provided in connection with other allegations herein.





Source: <https://www.rhombussystems.com/blog/what-does-the-rhombus-subscription-cover/>

## 2. Install the **Rhombus Systems** Mobile App

The app makes install a breeze and allows you to view and manage footage and alerts from anywhere.



Source: <https://www.rhombussystems.com/setup/>

## Video Streaming

Each camera comes with an embedded micro-sd card which serves as the primary storage mechanism for all video data. When a user wants to view either live or past footage, it is streamed directly from the camera to the user's viewing device. The exact mechanics vary depending on whether the viewer and the camera are on the same LAN, but there is no configuration required to make both work seamlessly. The video player automatically detects the network.

Source: <https://support.rhombussystems.com/hc/en-us/articles/360038029191-Camera-Bandwidth#videostreaming>

## The New Standard in Enterprise Security

The Rhombus R2 delivers simple and dependable, enterprise-grade security in a mini-dome form factor. Powered by a quad-core processor, the R2 features full HD recording, up to 180 days of on-camera storage, and advanced edge processing for smarter object recognition.

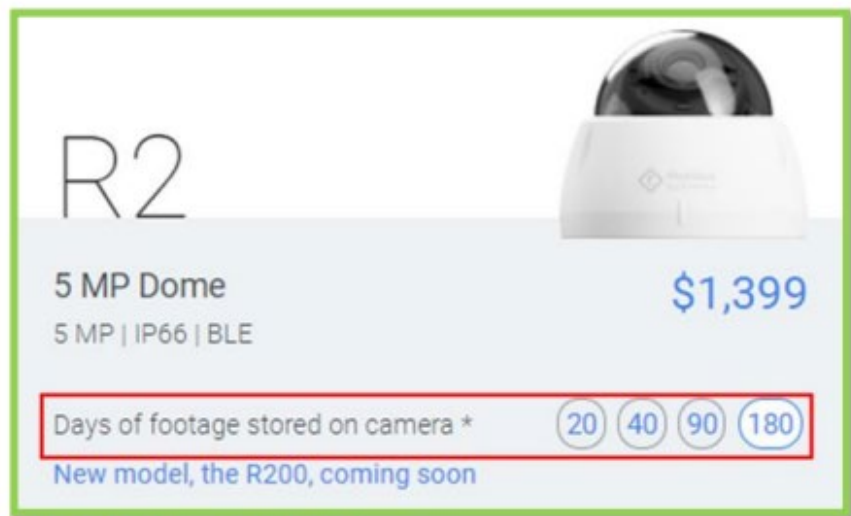
Built for versatility, the R2 comes standard with infrared night vision and a weatherproof design perfect for any environment.

Source: <https://www.rhombussystems.com/cameras/r2/>



9  
10  
11  
12  
13  
14  
15  
16  
17  
18

Source: <https://www.rhombussystems.com/pricing/>



Source: <https://www.rhombussystems.com/pricing/>

34. Defendant's actions complained of herein will continue unless Defendant is enjoined by this Court.

35. Defendant's actions complained of herein is causing irreparable harm and monetary damage to Plaintiff and will continue to do so unless and until Defendant is enjoined and restrained by this Court.

36. The '221 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.



37. A copy of the '221 Patent, titled "System and Method for Storing Broadcast Content in a Cloud-based Computing Environment," is attached hereto as Exhibit A.

38. By engaging in the conduct described herein, Defendant has injured Plaintiff and is liable for infringement of the '221 Patent, pursuant to 35 U.S.C. § 271.

39. Defendant has committed these acts of literal infringement, or infringement under the doctrine of equivalents of the '221 Patent, without license or authorization.

40. As a result of Defendant's infringement of the '221 Patent, injured Plaintiff has suffered monetary damages and is entitled to a monetary judgment in an amount adequate to compensate for Defendant's past infringement, together with interests and costs.

41. Plaintiff is in compliance with 35 U.S.C. § 287.

42. As such, Plaintiff is entitled to compensation for any continuing and/or future infringement of the '221 Patent up until the date that Defendant ceases its infringing activities.

## DEMAND FOR JURY TRIAL

43. Rothschild Broadcast Distribution Systems, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

## PRAYER FOR RELIEF

WHEREFORE, Plaintiff asks the Court to:

(a) Enter judgment for Plaintiff on this Complaint on all cases of action asserted herein;

(b) Enter an Order enjoining Defendant, its agents, officers, servants, employees, attorneys, and all persons in active concert or participation with Defendant who receives notice of the order from further infringement of United States Patent No. 8,856,221 (or, in the alternative, awarding Plaintiff running royalty from the time judgment going forward);

1 (c) Award Plaintiff damages resulting from Defendants infringement in  
2 accordance with 35 U.S.C. § 284;

3 (d) Award Plaintiff such further relief to which the Court finds Plaintiff entitled  
4 under law or equity.

5  
6 Dated: September 20, 2021

Respectfully submitted,

7 /s/ Stephen M. Lobbin

8 ***Attorney(s) for Plaintiff Rothschild Broadcast***  
9 ***Distribution Systems, LLC***